

1814-110

## TERMINAL DISCLAIMER TO OBViate A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket No.

SOM920000011US1

In re Application of: John J. Rofrano

Application No. 09/688,715

Filed: October 16, 2000

For: SYSTEM AND METHOD FOR AN ADAPTIVE SALES INTERVIEW SEARCH TECHNIQUE

The owner, International Business Machines Corporation of 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 6,035,283, filed on October 10, 1997. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

3. Owner/applicant is  Small entity  Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$130.00 and is to be paid as follows:

A check in the amount of the fee is enclosed.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 09-0459.

Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

PTO suggested wording for terminal disclaimer was

unchanged.  changed (if changed, an explanation should be supplied.)

Marisa J. Dubuc

01/04/2005 LELLIS 00000001 090459 Signature 090459  
Sale Ref: 00000004 DAH: 090459 09688715  
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**FAX RECEIVED**

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Dated: December 14, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

01/04/2005

Signature of Person Mailing Correspondence

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Typed or Printed Name of Person Mailing Correspondence

P26/REV02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JOHN J. ROFRANO )  
SERIAL NO.: 09/688,715 ) Group Art Unit 3625  
FILED: October 16, 2000 )  
FOR: SYSTEM AND METHOD FOR AN ) Examiner: Mark A. Fadok  
ADAPTIVE SALES INTERVIEW )  
SEARCH TECHNIQUE ) Confirmation No. 2993  
 )

**TERMINAL DISCLAIMER TO OBVIATE**  
**A DOUBLE PATENTING REJECTION (37 C.F.R. §1.321(c))**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Terminal Disclaimer is submitted for entry with respect to the above-referenced application.

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The Petitioner, INTERNATIONAL BUSINESS MACHINES CORPORATION, certifies that it is the assignee of the entire right, title, and interest in the instant application by virtue of the following assignment of the patent application identified above:

Assignor	Assignee
John J. Rofrano	International Business Machines Corporation

Petitioner further certifies that the evidentiary documents have been reviewed, and that, to the best of Petitioner's knowledge and belief, title is in the assignee (IBM Corporation) seeking to take such action.

Petitioner further certifies that, to the best of Petitioner's knowledge and belief, title of United States Patent No. 6,035,283 is in the assignee (IBM Corporation). The Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of United States Patent No. 6,035,283, filed on October 10, 1997, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and United States Patent No. 6,035,283 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §§154 to 156 and 173 of United States Patent No. 6,035,283, in the event that such patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

If there are any additional charges with respect to this submission or otherwise,  
please charge them to Deposit Account No. 09-0459 maintained by Applicant's Attorney.

Respectfully submitted,

JOHN J. ROFRANO  
INTERNATIONAL BUSINESS MACHINES  
CORPORATION

Applicant's Attorneys

By: Marisa J. Dubuc  
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